THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.22576 OF 2005

DATED: 03-11-2005

BETWEEN:

D.Solaman Raj .. Petitioner

And

The District Cooperative Officer and others

.. Respondents

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.22576 OF 2005

ORDER:

The petitioner seeks to issue writ of mandamus declaring the action of the respondents in not making enquiry against the In-charge Special Officer of the society during the period from 2002 onwards and declare the acts did by him during the period as illegal, arbitrary and set aside the election made on 11.10.2005 and further direct the respondents to prepare proper valid list according to the by-laws and other rules.

The case of the petitioner is that he is a member of the Kalidindi Ex-servicemen Cooperative Agricultural Land Colonization Society Ltd represented by the third respondent. It is stated that no other persons should be the member of the third respondent society.

Admittedly, the third respondent society was registered under the Cooperative Societies Act and the provisions of the A.P. Cooperative Societies Act are applicable to the third respondent society. The petitioner made certain representations and the said representations were not being disposed of. The only representation made under the provisions of the A.P. Cooperative Societies Act, 1964, is to conduct enquiry into the matter. Section 51 of the Act deals with enquiry by Registrar, may of his own motion and shall, on the application of a society to which the society concerned is affiliated, or of not less than one fifth of the total number of members of the society.

Admittedly, the total members of the society are more than 315 and if that be so, at least 1/5th of the total members shall file an application. Without any application filed by the persons not less than 10 members in the instant case, any such application filed by single individual who did not form the required quorum to conduct enquiry, the petitioner is not entitled for any relief to conduct enquiry. Therefore, I do not see any merits in the writ petition.

The writ petition is accordingly dismissed. No costs.

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03-11-2005

kvrm